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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NEVIN MILLAN,  
Plaintiff,  
vs.

COAST PROFESSIONAL, INC.,  
Defendant(s).

Case No.:

**COMPLAINT AND DEMAND FOR  
JURY TRIAL FOR:**

**1. VIOLATIONS OF  
THE FAIR DEBT COLLECTION  
PRACTICES ACT [15 U.S.C. §  
1692]**

**2. VIOLATIONS OF THE  
ROSENTHAL FAIR DEBT  
COLLECTION PRACTICES  
ACT [CAL. CIV. CODE § 1788]**

**INTRODUCTION**

1. NEVIN MILLAN (Plaintiff) brings this action to secure redress from COAST PROFESSIONAL, INC. (Defendant) for violations of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692. Plaintiff also brings this

1 action to secure redress from Defendant for violations of the Rosenthal Fair Debt  
2 Collection Practices Act [CAL. CIV. CODE § 1788].

3 **JURISDICTION AND VENUE**

4 2. Jurisdiction in this Court is proper pursuant to 28 U.S.C. § 1331 as  
5 Plaintiff's claims arise under the laws of the United States.

6 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because  
7 the acts and transactions alleged in this Complaint originated here as Plaintiff is  
8 located and Defendant transacts business here.

9 **PARTIES**

10 4. Plaintiff is an individual, residing in Los Angeles County, California.  
11 Plaintiff is a natural person from whom a debt collector seeks to collect a consumer  
12 debt which is due and owing or alleged to be due and owing.

13 5. Defendant is a corporation engaged in the business of collecting  
14 debts in this state and in several other states, with its principal place of business  
15 located in Louisiana. The principal purpose of Defendant is the collection of debts  
16 in this state and several other states, and Defendant regularly attempts to collect  
17 debts alleged to be due another.

18 6. Defendant is engaged in the collection of debts from consumers using  
19 the mail and telephone. Defendant regularly attempts to collect debts alleged to  
20 be due another and Defendant is a "debt collector" as defined by the FDCPA.

21 **FACTUAL ALLEGATIONS**

22 7. Within one year prior to the filing of this action, Defendant contacted  
23 Plaintiff to collect money, property or their equivalent, due or owing or alleged to  
24 be due or owing from a natural person by reason of a consumer credit transaction  
25 and/or "consumer debt."

26 8. At all times relevant to this action, Defendant called Plaintiff,  
27 Plaintiff's significant other, Plaintiff's significant other's place of employment and  
28

1 sent written correspondence to Plaintiff for the purpose of collecting the alleged  
2 debt.

3 9. Within one year prior to the filing of this action, Defendant regularly  
4 and repeatedly called Plaintiff at Plaintiff's telephone numbers ending in 0477.

5 10. During the past one (1) year, Defendant has called Plaintiff scores of  
6 times, often multiple times in a single day and when engaging Plaintiff in  
7 conversation making repeated threats to sue and/or seize Plaintiff's money and  
8 personal property should the alleged debt not be immediately paid.

9 11. Defendant also placed several calls to Plaintiff's significant other and  
10 when engaging Plaintiff's significant other in conversation making threats to sue  
11 Plaintiff and/or seize Plaintiff's money and personal property should the alleged  
12 debt not be immediately paid.

13 12. Defendant also sent Plaintiff written correspondence on August 7,  
14 2014 via U.S. mail. In said correspondence, Defendant threatened Plaintiff with  
15 wage garnishment should immediate payment not be made. To date, nearly one (1)  
16 later, Defendant has yet to either sue Plaintiff or initiate garnishment thus negating  
17 Defendant's intent to ever perform such action.

18 13. Defendant even went as far as to contact Plaintiff's significant other's  
19 place of employment wherein an agent for Defendant named "Samuel Lucas"  
20 called said place of employment on July 28, 2014 and spoke with an unrelated third  
21 party and engaged said person in conversation about Plaintiff's alleged debt.

22 **FIRST CAUSE OF ACTION**

23 **(Violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692)**

24 14. Plaintiff incorporates by reference all of the above paragraphs of this  
25 Complaint as though fully stated herein.  
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1           15. Defendant violated the FDCPA. Defendant's violations include, but  
2 are not limited to the following:

3           (a) Defendant violated §1692d by engaging in conduct the natural  
4 consequence is the abuse, annoyance or harassment of Plaintiff;

5           (b) Defendant violated §1692d(5) by causing a telephone to ring or  
6 engaging any person in telephone conversation repeatedly or continuously with  
7 intent to annoy, abuse, or harass any person at the called number;

8           (c) Defendant violated §1692c(b) by communicating with third parties  
9 unrelated to the alleged debt and not responsible for the alleged debt absent  
10 Plaintiff's prior written authorization to do so;

11           (d) Defendant violated §1692e(4) by repeatedly threatening Plaintiff and  
12 others with litigation, garnishment and/or asset seizure despite never having either  
13 the legal authority or the intent to do so;

14           (e) Defendant violated §1692e(5) by repeatedly threatening Plaintiff and  
15 others with litigation, garnishment and/or asset seizure despite never having either  
16 the legal authority or the intent to do so; and

17           (f) Defendant violated §1692e(10) by engaging in false and or deceptive  
18 practices in connection with the collection of a debt.

19           16. Defendant's acts, as described above, were done intentionally with the  
20 purpose of coercing Plaintiff to pay the alleged debt.

21           17. As a result of the foregoing violations of the FDCPA, Defendant is  
22 liable to Plaintiff for actual damages, statutory damages, and attorney's fees and  
23 costs, and, such other and further relief as the Court deems proper.  
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**SECOND CAUSE OF ACTION**

**(Violation of the Rosenthal Fair Debt Collection Practices Act, CAL. CIV.  
CODE § 1788)**

18. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

19. Defendant violated the RFDCPA. Defendant's violations include, but are not limited to, the following:

(a) Defendant violated CAL. CIV. CODE § 1788.11(d) by causing a telephone to ring repeatedly or continuously to annoy the person called; and

(b) Defendant violated CAL. CIV. CODE § 1788.11(e) by communicating, by telephone or in person, with the debtor with such frequency as to be unreasonable and to constitute an harassment to the debtor under the circumstances; and

(c) Defendant violated CAL. CIV. CODE § 1788.17 by collecting or attempting to collect a consumer debt without complying with the provisions of Sections 1692b to 1692j, inclusive, of . . . Title 15 of the United States Code (Fair Debt Collection Practices Act).

20. Defendant's acts, as described above, were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

21. As a result of the foregoing violations of the RFDCPA, Defendant is liable to Plaintiff for actual damages, statutory damages, and attorney's fees and costs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for the following:

(a) Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) and CAL. CIV. CODE § 1788.30(a) for the emotional distress suffered as a result of both the intentional and/or negligent FDCPA and RFDCPA violations, in amounts to be determined at trial and for Plaintiff.

1 (b) Statutory damages from Defendant pursuant to 15 U.S.C. §  
2 1692k(a)(2)(A) pursuant to CAL. CIV. CODE § 1788.30(b); and

3 (c) Costs and reasonable attorney's fees pursuant to 15 U.S.C.  
4 § 1692k(a)(3) and CAL. CIV. CODE § 1788.30(c);

5 (d) For such other and further relief as the Court may deem just and  
6 proper.  
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8 **DEMAND FOR JURY TRIAL**

9 Please take notice that Plaintiff demands a trial by jury in this action.

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12 Dated: July 8, 2015

RESPECTFULLY SUBMITTED,  
**MARTIN & BONTRAGER, APC**

13  
14 By: /s/ Nicholas J. Bontrager

15 Nicholas J. Bontrager  
16 *Attorney for Plaintiff*  
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